IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO.485 OF 2001

IN

WRIT PETITION NO.851 OF 2000

1.Municipal Corporation of Gr.Mumbai
and others. ...Appellants.

VS.

1.Andheri Ice and Cold Storage
Pvt.Ltd. & another. ...Respondents

Mr.A.Y.Sakhare with Nasir Shaikh, for Appellants.

Mr.H.Mehta with S. Nagardaria i/b. Mehta & Co., for Respondents.

CORAM: D.K.DESHMUKH &
J.H.BHATIA, JJ.

DATED: 12th September,2007

P.C.:

1. We have heard the learned Counsel appearing for both the sides. The learned Counsel appearing for original petitioners who are respondents in this appeal places on record a copy of the communication dated 6.4.2005 received by him from the Municipal Corporation. It is taken on record and marked "X"

for identification. He states that, according to the Municipal Corporation, ratable value of the property is Rs.2,24,985/- during the period from 1.4.1997 to 30.9.1999. He further states that he is willing to deposit the amount of property tax as per the Communication at "X" within a period of Eight weeks from today.

2. The learned Counsel appearing for Corporation submits that the Corporation is not agreeable to what is stated in the letter at "X". The learned Counsel appearing for original petitioners submits that the petitioners are willing to deposit the amount of tax within a period of Eight weeks in the Corporation and they should be permitted to withdraw their writ petition and they should also be permitted to adopt appropriate remedy that may be available to them under the law. Taking overall view of the matter therefore, in our opinion, the following order would meet the ends of justice:-

. We accept the undertaking given on behalf of the original petitioners that the original petitioners shall pay to the Corporation the property tax on the basis what is stated in the communication at "X", within a period of eight weeks from today. We permit

the original petitioners who are respondents in this appeal to withdraw the Writ petition no.851 of 2000, with liberty to adopt appropriate remedy that may be available to them under the law.

. It is clarified that as the Corporation is disputing the correctness of what is stated in the communication at "X", the Corporation shall also be at liberty to adopt any remedy that may be available to it under the law, against the respondent.

. As the writ petition no.851 of 2000 is withdrawn, the order passed by the learned Single Judge dated 7.2.2001 in that petition does not survive, rendering this appeal infructuous. The appeal disposed of as infructuous.

. Notice of motion no.1377 of 2002 is also disposed of.

(D.K.Deshmukh, J.)

(J.H.Bhatia, J.)